

AN ACT

relating to the release of certain health care information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 241.151(2), Health and Safety Code, is amended to read as follows:

(2) "Health care information" means information, including payment information, recorded in any form or medium that identifies a patient and relates to the history, diagnosis, treatment, or prognosis of a patient.

SECTION 2. Section 241.154, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:

(a) On receipt of a written authorization from a patient or legally authorized representative to examine or copy all or part of the patient's recorded health care information, except payment information, or for disclosures under Section 241.153 not requiring written authorization, a hospital or its agent, as promptly as required under the circumstances but not later than the 15th day after the date the request and payment authorized under Subsection (b) are received, shall:

(1) make the information available for examination during regular business hours and provide a copy to the requestor, if requested; or

(2) inform the authorized requestor if the information

1 does not exist or cannot be found.

2 (b) Except as provided by Subsection (d), the hospital or  
3 its agent may charge a reasonable fee for providing the health care  
4 information except payment information and is not required to  
5 permit the examination, copying, or release of the information  
6 requested until the fee is paid unless there is a medical emergency.  
7 The fee may not exceed the sum of:

8 (1) a basic retrieval or processing fee, which must  
9 include the fee for providing the first 10 pages of the copies and  
10 which may not exceed \$30; and

11 (A) a charge for each page of:

12 (i) \$1 for the 11th through the 60th page of  
13 the provided copies;

14 (ii) 50 cents for the 61st through the 400th  
15 page of the provided copies; and

16 (iii) 25 cents for any remaining pages of  
17 the provided copies; and

18 (B) the actual cost of mailing, shipping, or  
19 otherwise delivering the provided copies; ~~or~~

20 (2) if the requested records are stored on ~~any~~  
21 microform ~~[or other electronic medium]~~, a retrieval or processing  
22 fee, which must include the fee for providing the first 10 pages of  
23 the copies and which may not exceed \$45; and

24 (A) \$1 per page thereafter; and

25 (B) the actual cost of mailing, shipping, or  
26 otherwise delivering the provided copies; or

27 (3) if the requested records are provided on a digital

1 or other electronic medium and the requesting party requests  
2 delivery in a digital or electronic medium, including electronic  
3 mail:

4 (A) a retrieval or processing fee, which may not  
5 exceed \$75; and

6 (B) the actual cost of mailing, shipping, or  
7 otherwise delivering the provided copies.

8 (f) A request from a patient or legally authorized  
9 representative for payment information is subject to Section  
10 311.002.

11 SECTION 3. The change in law made by this Act applies only  
12 to the disclosure or exchange of health care information under  
13 Subchapter G, Chapter 241, Health and Safety Code, on or after the  
14 effective date of this Act. The disclosure or exchange of health  
15 care information before the effective date of this Act is governed  
16 by the law as it existed immediately before that date, and that law  
17 is continued in effect for that purpose.

18 SECTION 4. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4029 was passed by the House on May 5, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4029 on May 21, 2009, by the following vote: Yeas 91, Nays 44, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4029 was passed by the Senate, with amendments, on May 18, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor